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ABSTRACT

This committee report examines past student participation in the government of the University of Wisconsin, formulates principles concerning the role of students, and recommends structural and functional changes to achieve greater student participation. Except for the establishment of certain new committees, the report recommends changes within the existing governmental structure. The 17 recommendations fall into 4 general categories which correspond to the guiding principles of the committee. First, the committee advocates complete withdrawal of all in loco parentis activities by the University. Second, noting that student representation on practically all University committees was inadequate, the authors urge that committees review their structures and responsibilities with a view toward accommodating more student members. Third, students should be allowed to govern themselves to a greater extent. Faculty and administration supervision should be reduced and simpler means of communication between students and faculty should be developed. Finally, restructured and limited university disciplinary procedures are recommended. The committee urges no duplication of any civil law penalties by the University except in certain cases. Trials should be conducted by joint student-faculty panels with absolutely no administrative involvement. (DS)

ED035383

AD HOC COMMITTEE ON THE ROLE OF STUDENTS IN THE GOVERNMENT OF THE UNIVERSITY

REPORT TO THE UNIVERSITY COMMITTEE

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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HE 001 347

AD HOC COMMITTEE ON THE ROLE OF STUDENTS IN THE GOVERNMENT OF THE UNIVERSITY

February 6, 1968

The University Committee
University of Wisconsin

Gentlemen:

We are pleased to present our report on the role of students in the government of the University. The recommendations summarized below are the product of intensive inquiry and extended discussions with all sectors of the University community over the past five months. Paramount among our considerations have been (1) the recognition that there are many parties with vital and legitimate interests and goals to be served, and (2) a sense of opportunity and hope, inspired by the thought that fuller realization of the ideals of education is ultimately consistent with all of those interests and goals. We have employed our sense of educational purpose as a criterion throughout our deliberations; although there undoubtedly are some risks in the proposals we make, we think these risks are justified by the increased prospect of movement toward the highest and shared goals of modern university education.

The steps we recommend are not revolutionary, but they do represent distinct acceleration of established trends and, in some respects, tentative new departures which we hope will become trends in the future. In general, our proposals may be seen in four categories:

First, we advocate practically complete withdrawal by the University from its *in loco parentis* activities. We think students should be treated as any other person of comparable age and that, for example, there should be an end to regulation of their off-campus personal lives and of such aspects of their on-campus nonacademic affairs as hours regulations. All students over age 20, and all students under that age who are married or who have parental permission, should be able to live in housing of their choice.

Second, we advocate broader student participation in various forms in practically all areas of University government. We have tried to weigh the extent of effect upon students and on others, as well as the potential

contributions of students, faculty and administration, of all existing campus committees — and to design formulae for appropriately expanding student representation. We propose a supplementary new channel whereby student government initiatives may be laid directly before the faculty for action.

Third, we advocate greater student self-governing authority, reduced areas and forms of direct faculty and administration supervision, and simpler means of liaison between students and faculty. We propose the elimination of the present Student Life and Interests Committee, for example, and distribution of its powers among WSA and smaller, joint student-faculty committees with limited jurisdictions.

Fourth, we advocate restructured, limited, and clarified University disciplinary procedures. We oppose duplication of any civil law penalties by University action, except in certain unusual cases. We believe the University disciplinary powers should be exercised over individuals only in specialized circumstances later detailed. Trials should be before joint student-faculty hearing panels, with appeals heard by all-faculty panels; in neither hearing nor appellate stage do we think it appropriate for an administration official to participate as either judge or juror. We propose further the creation of a separate new committee for policy-making in the area of individual student behavior, to be composed of three students and six members of the teaching faculty.

We invite comparison of our recommendations with present practice here and with either practice or recommendations elsewhere. The recent Berkeley report, for example, would not advance genuine student participation beyond that recommended in this Report and, we believe, falls short of our recommendations, and even of our present practice, in many respects.

There is, we believe, more substance than rhetoric in the body of this report. Because we envision a wide readership, we have been blunt

at times in order to be certain of clarity. We expect that some will be disappointed with our work, or with the time we have found it necessary to devote to our study, but these are the costs of any effort to institute change in a complex body which must serve the needs of many legitimate interests. At the same time, we are confident that, with cooperation from all parties, our recommendations will make a significant contribution toward the realization of our mutual educational goals.

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I. THE COMMITTEE'S TASK

The Committee was appointed by the University Committee in August 1967, and was given this charge:

> The Committee is charged with three tasks. The first is to examine past and present student participation in University government as to its functions, the structures through which it has operated, and its effectiveness.
>
> The second task is to formulate principles that will guide the Faculty and Administration of the University of Wisconsin, with approval of the Regents, in making decisions as to the role of students in the government of the University. Principles laid down should aim to ensure that student participation in University government will enhance the quality of the University of Wisconsin as an institution of higher education, will be consistent with the obligations of Faculty, Administration, and Regents to the people of the State of Wisconsin, and will contribute to the intellectual and social well-being of students and staff of the University.
>
> The Committee's third task is to recommend to the University Committee changes in student participation and student functions in University government, and relevant structural changes, that may be necessary to implement the formulated principles in the context of the times in which we live.

As a part of our assignment, we also received from the University Committee the Student Power Bills 15-SS-25, 15-SS-65, and 15-SB-35. We have since received subsequent versions from Senate, 15-SS-105 and 15-SS-109, and statements from AWS regarding women's hours. The University Committee also sent 15-SS-24, a bill regarding student membership on committees, and stated that it would defer action until our Committee has issued its report. It was understood, however, that our Committee is to examine the whole problem of the role of students in the government of the University and not confine itself to issues raised by Senate Bills.

The Committee's task has required an assessment of past experience and of present opportunities. Accordingly, we have looked into practices elsewhere and have studied reports from other institutions, in particular those from Cornell, N. Y. U., and California at Berkeley. We have also received numerous suggestions from students in and out of Student Senate. both in public hearings and by correspondence and individual interviews. Many members of the faculty and administration have provided suggestions and information. Finally we have received advice from a few sources

outside the University. We wish to take this opportunity to thank all these individuals and groups.

The Committee is fully aware that this report is incomplete in many areas and that a limited number of subjects have been treated. Plans made long in advance of the Committee's appointment have made it impossible for several members to serve beyond the first semester. We prefer to report at this time those conclusions that we have reached, not only because of the impending reduction of committee size, but because of the necessity that some issues be treated promptly.

We believe that this work should continue and that another group, including students, should be appointed to do it. Many of the important remaining questions are of such a nature that student participation in the deliberations is highly desirable. Furthermore, a joint student-faculty group could make suggestions to students about their own government, an area into which we as a faculty committee have not wished to intrude.

Therefore, we recommend that the present Committee be discharged and that further study be assigned to an ad hoc committee composed of students and faculty, the faculty members to be appointed by the University Committee and the students by Student Senate.

II. GENERAL CONSIDERATIONS

The Committee's charge required an assessment of past experience and of present opportunities. Accordingly, we have examined practice elsewhere and specific requests made here, both by student government and by other interested parties. After careful consideration, we decided to concentrate our attention on three particularly controversial questions. These are: Are students subject to unnecessary rules? Is there adequate assurance of fair application of basic rules of the University? Are there ways to enlarge productively the participation of students in University government?

We have not sought to deal with every detail of the recommendation that we have evolved. We have neither the time nor the expertise, and there are others who can do this better. However, we do try to show with some examples how these broad recommendations will apply in actual circumstances. We do regard it as our task to delineate the boundaries between the powers and responsibilities of various units within the University, and between the University and civil authorities. Finally, we offer recommendations regarding structural changes that relate to the role of students in University government.

Our comments and recommendations are made in the context of the purposes and nature of the University of Wisconsin. We perceive the University's educational goals to include developing the intellectual capacities of students, harmonizing new knowledge with the experience of the past through a combination of research and teaching, and improving the quality of life in the state and nation. We accept the 1947 statement of the Committee on University Functions and Policies, that the University's purposes combine "teaching, productive scholarship, and public services intimately connected with scholarship." It is with these purposes in mind that we examine the related roles of students and faculty in the government of the University.

Although the policy-making power for the University is in the hands of the people of the state through the government and the Regents, it is nevertheless true that the faculty has, by delegation or custom, a large decision-making role in University policies and procedures. We believe that this situation should continue. Student participation has been

integral to the realization of the University's purposes, and we believe that it is important to find ways to extend such participation.

The major role of faculties in university government in America rests not on a technical right but on logic and pragmatic demonstration that only by such a role can the University assure the maximum probability of best accomplishing its educational purposes. Faculty governance at the University of Wisconsin has been a cherished privilege over the years. It has been based on the presumed special dedication of a university community to rationality and the search for truth by faculty members committed to and loyal to the institution.

Faculty members and administrators in a modern university accept many diverse roles in teaching, in research, and other activities. Students come into the university community from many backgrounds and with differing educational goals. Spheres of responsibility, concern, and rights are not neatly tagged as being solely student, faculty, administrative, or regent. Pluralism and diversity, not centralization, characterize all parts of the University decision-making arrangements.

1. Learning with Faculty Members

Students should have a continuous, interacting role of learning with faculty members. The faculty member who most successfully meets the challenge of teaching will work with students, from the freshman to the Ph.D. candidate, to educate and to be educated. Faculty members, departments, administrators, and University committees have an obligation to use every means at their disposal to preserve, develop and enlarge this intellectual exchange with students.

2. Opportunities to Participate in Student Activities

Beyond this intellectual partnership students should have the opportunity to participate in a wide range of student activities. We believe that these activities can be an important part of the educational experience.

The University provides facilities for extra-curricular endeavors: meeting rooms, athletic fields, gymnasiums, auditoriums, theaters, craft and art studios, and music listening and practice rooms. All of these should be continued and perhaps expanded.

The University has also offered great freedom and wide latitude to students interested in political activity. We encourage such activity both for its immediate effect in promoting understanding of politics and of the local, state, and national issues of the day, and as training for the years after leaving the University.

We have no specific proposals with regard to (*1*) and (*2*) above. However, we do have specific recommendations with regard to the following. The student should have (*3*) independence from unnecessary rules, (*4*) fair application of basic University rules, and (*5*) opportunities to participate in University government. We now consider each of these briefly.

3. Independence from Unnecessary Rules

American universities have continuously enlarged the role of students in determining, individually or collectively, their personal and social affairs. The University role *in loco parentis* is increasingly distasteful to student, faculty member, and administrator alike. Yet, in the choice between some University responsibility and abruptly turning the student out from the protection of his family into a complex society, it seems necessary to leave some role to the University. Enlargement of personal independence for the student can continue without eliminating a reasonable concern of the University faculty and administration for his welfare.

We are sympathetic with the desire of students to have more freedom in their choice of a place to live and in the rules under which they live. As is detailed in Section III, part 3, we are recommending that students who have their parents' consent to do so may live in unsupervised housing. Furthermore, we accept the principle that rules for students living in unsupervised housing are in general not a matter for University legislation, but are rather in the province of civil law. We are also recommending the elimination of rules regarding hours and the liberalization of visitation privileges in supervised housing.

4. Fair Application of Basic University Rules

We are in agreement with student requests that students involved in civil offenses generally be dealt with by civil authorities. Private student behavior that does not affect other students or the operation of the University is not a proper subject for University discipline. Yet, as we

detail later (Section III, part I), we believe that there are certain situations in which the University should be free to impose sanctions in addition to or independent of sanctions imposed by civil authorities. In general, these involve direct danger to University personnel, serious damage to University property, and impairment of important University processes. The purpose is to maintain the necessary operations of the University community. We are also recommending changes in the structure and procedures where University disciplining powers apply (Section III, part 2).

In regard to Human Rights, the Regents have passed the following resolution:

> "The University of Wisconsin shall in all its branches and activities maintain the fullest respect and protection of the Constitutional rights of all citizens and students regardless of race, color, sect, or creed; and any violation thereof shall immediately be reported to the administration and the Regents for appropriate action to the end that any such violation of Constitutional rights shall be promptly and fully corrected, and future violations prevented."

Students (and all other members of the University community) are entitled to the fullest protection from violation of this ruling. Administration, faculty, and students have continuing responsibility for vigilant enforcement of this principle. We do not favor changing the operation or responsibility of the Human Rights Committee, which seems to us to be doing an exemplary job.

5. *Opportunities to Participate in University Government*

We applaud the increasing interest of students in the University's government. Both individually, in groups, and through organized government, students in the past have played responsible and creative roles in University progress. To mention but three examples, the honors program, the pass-fail courses, and the human rights program are the result of active student participation.

The immediate experience of students in problems of concern to them is often invaluable in arriving at wise decisions. On the other hand, the longer tenure and greater experience of faculty often make them better able to take into account the long-run interests of the institution, including the protection of opportunities for future students.

Students now participate in University policy-making through student government in its various forms and through a wide variety of faculty-student committees. Politics in the University as in society at large are not to be exclusively learned or practiced in a single formal structure. Emphasis should be on decentralization and diversity. We believe that efforts should be made to reinforce and expand the number of opportunities for students to contribute to and influence University policy.

The heavy emphasis on the departmental structure in the University suggests the department or professional school as a natural center for student contribution. The experimentation of some departments in bringing in students on certain policy questions should be encouraged.

We reject any suggestion that there be direct student participation in decisions on faculty appointments, promotions, and salaries. This is a power not given to assistant professors or instructors. On the other hand, we believe that improvement should be made in the means by which student views on curricula, degree requirements, and other educational matters can be brought to the attention of the faculty and administration for full discussion of possibly divergent views. The faculty should also direct its attention to securing student evaluations of courses and teaching. We believe the methods so far developed for securing such evaluations are incomplete and inadequate.

We have made suggestions for student initiative power (Section III, part 4), and increased representation on University committees (Section III, part 5). The latter includes increasing student representation and powers in the area of discipline (Section III, parts I and 2). We also have recommended structural changes in committees that regulate housing and student organizations. We urge that the WSA play a more significant role in regulating student organizations.

SECTION III. GUIDELINES AND RECOMMENDATIONS

PART 1. UNIVERSITY POWER TO DISCIPLINE INDIVIDUAL STUDENTS

One of the most difficult and important problems with which the Committee has struggled is under what conditions the University power to discipline a student for his individual conduct should be exercised. In recent months, a wide range of opinions has been expressed, ranging from the view that the University should never discipline a student except for matters directly related to his academic work, to the view that University discipline should be the preferred method for dealing with nearly the entire range of student misconduct.

We have not directly concerned ourselves with the extent of the University's *legal* rights and powers to discipline students. Without legal staff help, we did not feel able to explore this matter. We believe, however, that the standards and procedures we recommend are clear and fair enough so they ought to withstand legal attack.

1. Present Policy on Student Discipline

The present policy follows in general the principles of Faculty Document 57 (April 4, 1966) and the detailed report which accompanied that Document. These were prepared by a special "Committee to Study Non-Curricular Life of Students" under the chairmanship of Professor Frank Remington of the Law School. That Committee worked for over two years and devoted its primary attention to the problem of student misconduct.

The Remington Report specifies three areas in which student conduct is properly subject to University disciplinary action (pp. 52-55 of the Report):

(1) Student conduct which is indicative of a continuing threat to the personal safety of members of the University Community.

(2) Student conduct which seriously damages University property.

(3) Student conduct which is unduly disruptive of the educational process.

These three concerns are recognized and applied by the University administration currently, regardless of whether state laws or city

ordinances are also violated by the student conduct in question. The Student Handbook, "Policies and Guidelines for Student Life", 1967-68, page 11, purports to subject a student to University discipline for a wide range of conduct not falling within any of the three above categories. For example: "In addition to the civil code and specific regulations of the University, the student must adhere to a high standard of conduct. If he does not, he is subject to disciplinary action by appropriate University authorities." Our committee's impression is, however, that actual University practice currently is consistent with the Remington Report.

2. The Policy Requested by WSA

The Wisconsin Student Association, through Student Senate, has declared that there are areas of individual liberty where no University agency should legislate, and as to which no University discipline should apply. In particular, Bill 15-SS-105, adopted October 12, 1967, says:

> No University agency, student or otherwise, should pass or enforce regulations which protect or punish any student or organization violating a law of Wisconsin or the United States. It should be remembered that a student is a citizen and responsible to civil law whether he has committed an offense on or off campus. Civil law would be expected to be enforced on campus and no repetition of legislation on the use of drugs, alcohol, gambling or in the areas of civil rights and liberties need be made.
>
> In no case should an individual or organization be subject to more than civil action; that is, it should in no way affect his status as a student. The status of a student shall be affected only by his ability to participate in classroom activity.
>
> When a student has been apprehended for the violation of a law of the community, the state, or the nation, the University will not request or agree to special consideration for the student because of his status as a student. The University may only take sanctions against the student based on his academic participation.
>
> The University may provide for a student whatever counseling, psychiatric, and medical facilities it has at its disposal (counseling does not include University sanctions such as probation or expulsion). However the University may not dismiss a student for anything other than his academic performance; nor may they review his status because of his breaking of a civil or criminal law (e.g. involvement with drugs).

3. *The Committee's View*

We have, earlier in this Report, stated our conviction that there are no areas of University life that are the exclusive concern of students in the sense that the faculty and administration are, or should be, indifferent to what happens in those areas; nor are there, in this sense, areas of solely faculty or administration concern.

On the other hand, we endorse much of the above WSA statement. The University should not ordinarily intervene in the individual activities or conduct of a student. There are many matters of individual student behavior as to which no University agency, student or otherwise, should attempt to make regulations or enforce discipline. The Remington Report substantially recognized this proposition.

However, the view that whenever *any* civil law applies to the conduct, the University must *never* impose its own discipline, goes too far. There must be exceptions where serious danger to University functions and processes is involved. In this connection, indeed, the student position, as it has been presented to us, is somewhat ambivalent. On the one hand, they assert that they want to be exclusively under civil rather than University authority. On the other, they do not appear to be asking for the logical extension that the campus and dormitories be regularly patrolled by the Madison police (or possibly campus police enforcing state law), who would presumably also be the first resort in any on-campus disorder or other conduct violating civil law. Individual student views vary. Indeed, without having the benefits of a detailed poll, we really wonder how many students would prefer being taken to criminal court for lesser offenses which might otherwise result in no more than a semester of disciplinary probation.

We are aware that some members of this faculty and of the administration think that University discipline should continue to apply to individual student misconduct because such discipline has educational and corrective value ("It's for the good of the student"). Some also think University discipline is appropriate because students should be expected to adhere to some higher standard of conduct than that enforced by the larger community upon its citizens in general. The language above quoted from the Student Handbook suggests this view. While some members of the committee feel nostalgia for the relatively recent days when such views

prevailed, we are agreed with the essential premise of the Remington Report, that formal enforcement of these hopes and expectations as such is not feasible. With vast numbers of students in the University, many thousands of them married or over 21 or both, in the normal situtation all students should be treated as young adults, expected to obey all the laws of the larger community and subject only to the same enforcement and punishment procedures as other citizens.

Therefore, in ordinary situations, we concur with the Remington Report and with the general movement away from the University's playing a role *in loco parentis*. The off-campus behavior of a student as an individual in ways that do not represent a continuing threat to the welfare of others in the University community should not be a matter for University disciplinary action. Further, we think that the same proposition would hold even if the particular behavior should happen to occur within the geographical limits of the campus. Individual conduct on campus can be dealt with by campus police, who have the power to make arrests for violations of state laws. In addition, University authorities can deal with such conduct by bringing complaints against offending individuals to the attention of the Dane County District Attorney.

As stated previously, the ultimate WSA position that whenever civil law applies to student behavior, the University has no rights whatever to use disciplinary sanctions, is too absolute to be acceptable. There is a point at which it would not be feasible, nor would it be fair to the University community as a whole, for the University to fail to use its disciplinary powers.

For guidelines as to when University officials should have the discretionary authority to impose University discipline, we concur substantially with the Remington Report and use that as our starting place.

1. We agree with the Remington Report that intentional student conduct which seriously damages or destroys University property justifies imposition of University discipline. What about minor damage to, theft of, or defacing of University property? A complaint can be made to the civil authorities, but that course may be unwise in most such cases. We suggest that in such cases, the University should not assert the power of probation, suspension, or expulsion, but has and should assert the power to require the student culprit to pay for any needed repair, cleaning, replacement, or the

like, and to withhold awarding of academic credit pending such payment. Such a procedure should be adequate for the lesser property damage cases. Within the spirit of these guidelines, we would expect appropriate University administrators to make the decision as to whether a given incident of property damage requires disciplinary action or merely compensation.

2. Likewise, student conduct which clearly indicates a serious continuing danger to the personal safety of other members of the University community will justify University discipline, including removal of the student from the University community by expulsion. The narrow scope of this category of conduct should be understood. One incident of even quite violent anti-social behavior by a student would not, in the Committee's view, justify University disciplinary action without clear and satisfactory evidence that the incident indicated a serious continuing danger to other members of the University community. It should be clear, however, that University authorities would be expected to bring such behavior to the attention of civil authorities.

3. The third category of conduct is still more difficult to state with precision. The Remington Report refers to conduct which is "unduly disruptive of the educational process." One example in that Report is cheating on exams, which of course must be subject to University discipline; we do not understand the WSA position to be otherwise. But "disruptive" conduct includes a wide range of other conduct, depending on how one defines disruption and how one defines "educational process." Recent events only reinforce the Committee's belief that University power over conduct of this kind must be examined and restated with great care.

(a) We are agreed that at least some kinds of intentional conduct which affect University functions and processes must be subject to University discipline.

(b) In general, we think University discipline is proper only when the intentional student conduct involved has clearly and seriously obstructed or impaired a University function or process. We use here the phrase "intentional student conduct" with the hope that it will not be misconstrued. What must be "intentional" is the conduct itself; this does not require proof that the conduct was "intended" to have the consequence of a clear and serious obstruction or impairment of a University function. For example,

a student who loses control while driving his car and crashes into a University building where a class is in progress, forcing the class to adjourn, might be very careless but would not be guilty of intentional conduct. On the other hand, students who mass at the entrance to a classroom, preventing students from getting to class, are engaging in intentional conduct. Their argument that their *intention* was not to obstruct the class, but only to protest the draft (or celebrate a Rose Bowl invitation), would in our view be irrelevant.

(c) Some conduct poses especially difficult problems because the conduct is politically inspired and, up to a point, represents an expression of the right of free speech and dissent which both the Constitution and our own University traditions not only permit but cherish. The right to speak out, to dissent, and to associate with others in doing so, does not however mean the right to forcibly stop the lawful activities of others. When student conduct, even though related to dissent or other political expression, clearly and seriously obstructs or impairs a University function or process, the University must be free to use its disciplinary powers as one means to stop the impairment and discourage future impairment.

(d) We emphasize "clear and serious obstruction or impairment", knowing that these words may be asserted by some to have the same vice of vagueness now claimed to corrupt words like "unduly disruptive". The words are general, indeed, but in the context of this discussion we do not regard them as vague. But as a further safeguard, we assert that we mean them to restrict sharply the kinds of conduct which fall properly within this category. It is our recommendation that in applying this standard, the University explicitly accept the burden of proving by clear and convincing evidence not only that the claimed misconduct occurred, but also that it was of the gravity and significance implicit in the general words we have offered. It follows that we cannot accept the suggestion made by some that the University is powerless to use its disciplinary processes unless it spells out a lengthy, detailed, and specific list of acts of prohibited

conduct. We do not understand "due process" or any other constitutional imperative to require this of the University, but it may be that the promulgation of some sort of "Student Code" would be an aid in University disciplinary matters. Later in this report, we propose the creation of a new Student Conduct Policy Committee, and we suggest that a proper early task for the Committee, if established, would be consideration of whether such a Code should be developed.

For the time being, we stand on the general statements above. Because of their generality, it may be well to suggest a few specific examples, not as fragments of a "code-to-be", but merely to try to illumine our general statements. We emphasize that these are merely examples, not exclusive of other examples, and not in any way intended to define limits to the above general statements.

Example 1. A student who intentionally sets fire to a University building is subject to University discipline.

Example 2. A student who throws a snowball and breaks a pane of glass in a University building should be required to pay for replacement, on threat of withholding academic credit, but upon such payment should not be subject to University discipline.

Example 3. A student who has committed a violent and dangerous physical assault on another person (more than just a drunken scuffle), if there was substantial evidence that the act might be repeated, could be found to be a serious continuing danger and hence could be subject to University discipline.

Example 4. A student who is deliberately obstructive in the classroom to the point of not permitting the teaching process to continue would be subject to University discipline (see Remington Report, page 55).

Example 5. A student twice found guilty of shoplifting or of drunken driving off campus by Dane County Criminal Court would not be subject to University discipline. Of course, if these convictions brought jail sentences which prevented the student from meeting academic obligations, normal academic consequences would follow.

Example 6. A student attending a speech or program on campus sponsored by a student organization, University department, or other authorized group, who obstructs the program or significantly impairs the

speaker's ability to be heard, would be subject to University discipline.

Example 7. A student who, a day before a scheduled speech on campus, exhorts other students to obstruct the speech and prevent the speaker's being heard, would not be subject to University discipline for such exhorting alone, although if the obstruction did occur on the following day with the student's continuing encouragement and leadership, the exhorting might be found to have been so related to the obstruction as to be a part of the proof of the over-all offense of obstructing.

Example 8. A student who is in attendance at any meeting of a University committee, whether as a spectator or as a participant, who by his conduct obstructs the meeting or seriously impairs the proceedings, may be subject to University discipline. By contrast, a student who pickets and holds a sign outside such meeting, protesting the meeting, would not be subject to University discipline unless his conduct seriously obstructs of impairs some University function.

Example 9. A student who intentionally participates in preventing physical access to any authorized class or meeting in a University building, or in effectively denying physical entry or egress to or from a University building, or a room in such building, to any person authorized to enter or leave such room or building in connection with a University function or process, is subject to University discipline.

As to all categories of conduct above described as justifying imposition of University discipline, we are aware of the important question of the propriety of any University disciplinary action which is imposed in addition to civil law penalties imposed for the same conduct. Duplication or supplementation of civil law penalties is normally undesirable and suggestive of double jeopardy. We have so recognized by sharply restricting the kinds of student conduct subject to University discipline. At the same time the University cannot be expected to eschew internal defensive (i.e. disciplinary) procedures when its processes are seriously endangered. Therefore, the committee recommends that, as a general rule, the University should not apply its disciplinary powers in instances where the matter has been taken up by normal civil law processes; but in serious cases in the three categories above specified, the University should be free to impose discipline. In exercising this freedom, the University may act whether or not civil law enforcement has been or will be invoked for the same or related conduct of

the student; it may in appropriate cases take into account what civil punishments have been imposed, when deciding what University action, if any, is appropriate; and it may appropriately reduce University penalties previously imposed if civil penalties are later imposed. The University may decide, depending on circumstances, not to bring a civil complaint against an offending student, but to impose University discipline only. However, in such a case, the student will of course also have to answer in court if a complaint is there brought against him by civil authorities or an individual, and the University should not intervene in any such court proceeding.

In summary, the committee supports the proposition that insofar as possible, individual student conduct shall be a matter between the student and the larger society, governed by the laws and procedures which apply to all citizens. We have attempted to set forth limited areas of student conduct in which we think the interest of the University community is so direct and immediate that University disciplinary power should be available. Within these limited areas, we think it essential that University officials have discretion to deal with differing situations in differing ways, subject of course to the provisions for hearing and review hereafter discussed.

In addition to the situations, discussed above, where University discipline may be appropriate as a response to student misconduct which also violates the general criminal law, there are University rules which relate to matters not strictly academic, yet not covered by the general criminal law. A limited number of such internal housekeeping rules seem to us necessary. The University cannot look to criminal law procedures in Dane County for enforcement of such rules. Hence, University discipline must be available for enforcement. For example, University housing regulations prohibiting certain categories of students from living in certain kinds of housing must ultimately be enforced by the imposition of University discipline. We have elsewhere in this Report indicated our view that limited restrictions on the housing choice of some students continue to be necessary. We would of course expect University authorities to seek voluntary compliance before resorting to discipline.

As another example, the University might develop a regulation requiring students to identify themselves on request by University authorities in certain very limited situations, as for instance to establish the right to be in a University building at an hour when the building is normally closed.

We do not express an opinion on whether, or to what extent, such a regulation is needed. Rather, we suggest that the possible need for such a regulation is a proper matter for study by the Committee on Student Conduct Policy (hereafter discussed). Our purpose in mentioning it here is to point out that such a regulation, not duplicated by general law, would be enforced only by University discipline.

In the preceding discussion, references to "University discipline" have had to do with disciplinary measures largely relating to the student's general status as a student — such as course failure, probation, suspension, and expulsion. We now note three areas where certain other kinds of University power need special mention:

(1) When a student is a resident of a University dormitory, the University must be free to act as any landlord might against one whose conduct substantially violates the contractual or other obligations of a tenant. University action under this power might, for example, be expulsion from the dormitory. Such expulsion would not affect status as a student, though the conduct causing the expulsion from the dorms might conceivably be of the sort that would also justify *other* University action, under standards previously discussed.

(2) When a student is also an employee of the University, he is subject to the provisions of his employment agreement and the related rules appropriate to that employment. The University may, consistent with such rules and employment agreement, terminate his employment, but it should be clear that his status as a student is not affected by any action taken against him as an employee.

(3) Some professional colleges, schools and departments of the University are regularly asked to give personal evaluations of students in connection with the students' efforts to obtain employment, professional qualification, certification, or licensing. These evaluations, we understand, are independent of and supplementary to the student's degree and academic record. Sometimes the evaluations may be influenced by the college, school, or department's knowledge of some misconduct by the student which has not resulted in University discipline, but may arguably affect the student's suitability or eligibility for the particular profession involved. Some units, we understand, react to this problem by expelling offending students from the particular unit, without regard to

University-wide procedures. Without attempting to say here what is proper for each particular unit faced with this problem, the majority of the committee is of the opinion that conduct not serious enough to fall in a category justifying discipline under the University-wide standards previously stated, should normally not be made the basis for expulsion from a particular school or course of study. University personnel as individuals in these situations, however, should be free to report as professional licensing authorities and the like what they know about a student, despite the indirect disciplinary effect such reporting may have in some cases. Whether a University school, college, or department *officially* (as contrasted with deans or professors individually) ought to furnish to any non-University agency any information or opinion about a student beyond what is shown on his academic record is a controversial question deserving of study, but beyond the scope of our committee's work.

In any case where the imposition of University discipline is contemplated (except the three special situations just discussed), procedures shall follow the guidelines set forth in the following section of this Report. In all such cases, discipline should be imposed only if it is satisfactorily proven that (1) the student was in fact guilty of the conduct charged, and (2) that the conduct was of a kind and seriousness to fall in one of the punishable categories previously set forth in this Report.

SECTION III. GUIDELINES AND RECOMMENDATIONS

PART 2. STRUCTURE AND PROCEDURES FOR DISCIPLINING STUDENTS

We recognize that the vast majority of students will probably never be subject to University disciplinary procedures of any kind, at any level. However, one of the tests of a society or institution is the effectiveness and fairness with which it deals with its serious, albeit isolated and occasional, trouble spots. Hence we have regarded the University's structure for disciplining students, the procedures used within the structure, and the students' role in the structure, as among the principal concerns of our committee.

In what follows, we present our proposals, without first detailing the present structures and procedures. The present pattern receives substantial attention in the Remington Report, and will be referred to as needed in explaining our proposals.

1. Student Court

In the past, the primary roles of Student Court have had to do with the campus traffic offenses of individuals, and with certain matters within WSA involving student organizations, election disputes, and the like. The latter role is irrelevant to this section of our report, and we do not discuss it further here.

In its traffic offense jurisdiction, Student Court has performed a service for the University community and has provided experience to students who have served as court members or counsel. We recommend that Student Court continue this role.

We have previously mentioned the problem of student conduct which, while not serious enough to justify full-scale disciplinary action against a student, nonetheless results in minor property damage or loss which the University has a right to recoup against the responsible student. In such cases, where either the guilt of the student or the amount of the damage is in dispute, we recommend that Student Court be the hearing panel which decides the case and decides the amount, if any, which the student must pay the University. The sanction of withholding academic credit until such amount is paid, which we have previously discussed, would follow automatically

and not be a part of the Student Court's responsibility. As previously noted, the appropriate administrator or dean would decide whether such a case involved serious property damage and hence requires disciplinary procedures, or whether reference to Student Court under this paragraph is the proper procedure. The student would have a right to appeal an adverse decision to the Committee for Student Conduct Appeals.

Student Court now has, theoretically, concurrent jurisdiction with the Administrative Division of the Committee on Student Conduct and Appeals over more serious cases of student misconduct. This jurisdiction has rarely, if ever, been invoked in recent years. In view of the new hearing and appeal tribunals we propose hereafter, we recommend that this aspect of Student Court jurisdiction be ended in theory, as well as in practice.

2. *Student Life and Interests Committee*

SLIC is discussed in other sections of this report. We mention it here only to emphasize that despite its inclusive name, it has no jurisdiction over the disciplining of individual students. We do not understand SLIC to have asserted any such jurisdiction in the past, nor do we recommend that it, or any equivalent successor committee, have such jurisdiction in the future.

3. *The Dean of Student Affairs and Other Deans and Related Administrators*

We are agreed that "the dean" by which inclusive term we refer to any relevant administrative official in the impersonal, institutional sense, occupies a critically important position in the University structure. It is important to the structure in general; it is likewise important in the structure for dealing with students particularly, for helping with their problems, and for administering discipline when necessary.

In necessarily broad terms, the dean's present role in a matter eventually leading to disciplinary procedures against a student may include one or more of the following functions:

1. Gaining personal knowledge of, or receiving from police reports, newspaper stories, or other sources, reports of alleged misconduct by a student.

2. Counselling the student, after as well as before the alleged incident, and helping to make available to him University facilities

which may help (medical, psychiatric, financial, etc.).

3. Investigating an alleged incident, once reported, by obtaining further reports, interviewing witnesses, and interviewing the student or students allegedly involved.

4. Making a decision as to whether the alleged misconduct requires that the matter be referred to city, county, or state law enforcement authorities.

5. Making a decision as to whether the alleged misconduct requires that some University disciplinary action be taken.

6. Imposing discipline directly on the student, as light as warning or as severe as suspension or expulsion (subject of course to the student's right to appeal directly to the Appeals Division of the Committee on Student Conduct and Appeals).

7. Advising the student that he is under charges, or perhaps even suspending him, pending a hearing before the Administrative Division of the Committee on Student Conduct and Appeals, and then referring the case to the Administrative Division.

8. Serving as a member of the Administrative Division panel hearing the case.

9. Appearing before the Administrative Division panel as, in effect, a prosecutor, helping to present the facts deemed to call for disciplinary action.

10. Appearing before the Administrative Division panel as a "friend of the student", helping the student to present his defense or his arguments for leniency.

11. Counseling a student on his rights to appeal after an imposition of discipline either by a dean or by the Administrative Division.

12. If a case is appealed, appearing before the Appeals Division as either a supporter of the student or a supporter of the case against him.

13. Posing a question for general consideration to the Appeals Division of the Committee on Student Conduct and Appeals, and asking that Committee's consideration of the matter on general policy basis, with the Committee wearing its "Student Conduct Committee" hat rather than its "Appellate Court" hat.

We are of course aware that no one dean, or even group of deans, does all these things in any single case. The list does, we think, usefully

disclose how much is expected of deans in these cases, and it should serve as a reference point in suggesting some restructuring of responsibilities.

Items 1 through 5 in the above list both inevitably and appropriately must remain the responsibility of the dean. We would add only two obvious cautionary points. First, in fairness to a student alleged to be guilty of misconduct, a dean investigating the matter must, when talking to the student, make clear that he *is* investigating, not just engaged in normal counseling. Indeed, in some cases it will be appropriate for him to refer either the investigative or counseling aspects of the case to another dean, to avoid any possibility of inconsistency or misunderstanding. Secondly, in making the decision as to whether disciplinary action should be taken in a given case, a dean's discretion must be exercised consistently with whatever general University disciplinary policies are then in force.

Items 6 and 7 above, in our view, pose more difficult problems. After investigation, a dean must have substantial power to impose discipline or otherwise handle a matter within his own office. We recommend that a dean have these powers:

(a) To advise a student that he is under charges for misconduct, that suspension or expulsion will be recommended, that the case will be referred to the Committee for Student Conduct Hearings [to be discussed hereafter in this report], but that the student has the option to resign from the University "under charges", in which case the proceedings will end, "resigned under charges" will appear on the student's transcript, and the student's right to apply for reinstatement will be the same as if he had been expelled. Or, if the dean thinks suspension is the maximum penalty required, he may similarly offer the student the option to request leave "under charges" for the time the proposed suspension would have run, with a similar entry on the transcript. Any such resignation or request for leave under charges shall be entirely voluntary with the student, but if voluntarily signed by the student shall be given effect and shall end the proceedings in the case.

(b) In special cases, only where there is a strong indication that the student's misconduct will be repeated or continued, to impose immediate suspension, with resultant loss of all student rights and privileges, pending hearing before the Committee for Student Hearings. Such suspension pending hearing is to be distinguished from merely advising a student that he is under charges as described in (a). The procedure described in (a) is the

standard one to be followed when a dean decides that discipline as severe as suspension or expulsion may be indicated; suspension pending hearing is a variation on that standard procedure and may be used only in the special cases described. Whenever suspension pending hearing is imposed by a dean, the suspended student shall have an *immediate* right of review by the Committee for Student Conduct Appeals [to be discussed hereafter in this report], such appeal to be limited to the question whether the temporary suspension should or should not be left in effect until the hearing before the Committee for Student Conduct Hearings.

(c) To impose, after adequate investigation, any disciplinary punishment less severe than suspension. The dean should not impose any such lesser punishment without first notifying the student and giving him an opportunity to make any statement he wishes in his own behalf, but the dean may impose such punishment without referring the case to the Committee for Student Conduct Hearings and without himself holding any formal hearing. If a dean does impose punishment pursuant to this power, the student shall have a direct right to appeal to the Committee for Student Conduct Appeals, which shall if the student so requests give the case a full hearing. This power of the dean does not prevent him in his discretion from referring any case to the Committee for Student Conduct Hearings, rather than himself imposing lesser punishment. In any case in which the dean has imposed lesser punishment pursuant to this power, the only appeal right is that of the student, and the University may not punish the student for the conduct involved beyond the punishment originally imposed by the Dean.

In explanation of the above suggested powers, we add only that we think that the dean must retain much of the power and discretion he now has. The only significant authority he might lose under our proposal would be authority to individually impose disciplinary suspension (other than the special temporary suspension previously discussed) or expulsion on a student for misconduct. This is a power we believe little asserted by deans in recent years, one which should be reserved to a tribunal which will hold a full-scale hearing on the case.

Item 8 under our list of present dean's functions would be eliminated by our recommendation that hearings be held by a Committee for Student Conduct Hearings, which would include no deans or administrators [see later discussion]. It seems to us essential that deans perform counseling, investigative and

(in a sense) prosecutorial functions. In cases where severe penalties (suspension or expulsion) are contemplated, it seems best that others perform the judicial functions (even though in cases where lesser penalties are deemed sufficient, we have above suggested that deans have a limited judicial function). In proposing that deans and administrators not have a judicial function in cases where severe penalties may be appropriate, we mean to express no judgment as to the fairness in fact of present structures and procedures, as to past cases. We merely express a preference for the structures and procedures we here propose, for the future.

Items 9 through 13 under our above rough listing of present dean's functions would remain proper aspects of a dean's responsibility. A representative of the Administration would normally appear before the Committee for Student Conduct Hearings to present the results of investigation and the reasons why it was thought necessary to refer the case to hearing. He would, in effect, be a prosecutor. Nor would it be inappropriate for a dean who was not the prosecutor to appear before the Committee as a "friend of the student", if the student so requested. (Of course, the student would also be entitled to representation by legal counsel, at his option and at his expense.) Deans could properly again fill the roles of representing the administration and the student (at his request) if the case were later appealed, and should of course be available to advise the student of his right to appeal. And deans or administrators would be a principal source of general policy questions to be posed to the Student Conduct Policy Committee [described hereafter in this report].

4. The Committee for Student Conduct Hearings (CSCH)

This Committee has been indirectly introduced in some of the foregoing discussion. It would wholly replace the present Administrative Division of the Committee on Student Conduct and Appeals and would absorb whatever power the Student Court now has in student discipline cases other than traffic offenses and minor property damage cases (see discussion of Student Court above in this report). It would be the only University authority (other than the Regents) with power to suspend or expel a student for disciplinary (as opposed to academic) reasons, except for the Committee for Student Conduct Appeals in cases appealed to it and except for the dean's power to suspend pending hearings in special cases, previously discussed.

We recommend that CSCH be made up of four members of the full-time teaching faculty and four students, plus a member of the Law Faculty as chairman, who shall not vote except in case of a tie vote. The students shall be appointed directly by WSA; at least two of the student members must be undergraduates. The four faculty members and the Chairman shall be appointed by the Chancellor. If WSA does not provide appointees by July 1 of any year, for service during the following year, the Chancellor may appoint all faculty and student members in his discretion. If student appointees willing to serve are not available, the Chancellor shall appoint faculty members instead.

We suggest to the appointing authorities that some degree of continuity on CSCH from year to year is a desirable goal to be considered in making appointments. We also suggest that at least until the University is equipped to give independent legal staff help to CSCH, it will be necessary to have a member of the Law Faculty appointed to the committee, as chairman, with vote only in case of a tie.

CSCH shall have authority to regulate its own procedures, subject to these general guidelines: Due process for the student is to be assured by (among other things) giving him adequate notice, a reasonable hour for hearing the case in light of his schedule, an opportunity to be represented by legal counsel of his choice at his own expense, an opportunity to know and respond to the case against him, and a prompt, fair and orderly hearing.

If CSCH has given a student reasonable notice and reasonable time to prepare for the hearing, it should have power to set the hearing for a reasonable date and time and to proceed with the hearing at the time set whether or not the student appears. CSCH should have power to hear at one time charges against several students arising out of the same general incident, and may otherwise regulate its procedures so that delay is held to a minimum consistent with fair notice, fair opportunity to prepare, and fair opportunity to be heard.

A quorum of CSCH to hear cases will be five members. In any case in which members may resign or refuse to serve, the Chancellor may promptly relieve such members and appoint replacements in his discretion. Decision on any case will require concurrence of a majority of the members present at the hearing.

CSCH shall have authority to keep order in its own proceedings. Its hearings shall be public, unless the student whose case is being heard

requests a confidential hearing, or unless the committee finds it impossible to preserve reasonable order in a public hearing. The requirement that the hearings be public shall not be understood to mean that hearings must necessarily be held in a room large enough to accommodate all interested members of the public. In contrast with the hearing itself, the committee's deliberations after the hearing shall not be public.

As a part of its power to keep order, CSCH shall have the authority to summarily adjudge disciplinary penalties against students who seriously obstruct of impair its proceedings in its presence, or to order removal of such students from the hearing, or both. Any penalties thus adjudged shall be subject to review with full hearing at the students' request before the Committee for Student Conduct Appeals.

In any case referred to CSCH, if the student whose case is to be heard so requests in writing at least 24 hours before the time set for hearing, the case will be heard and decided by only the faculty members of CSCH, with three faculty members required to constitute a committee quorum.

5. *The Committee for Student Conduct Appeals (CSCA)*

We have already indirectly introduced our recommendation for the creation of an appellate body, which would assume the present appellate functions of the Committee on Student Conduct and Appeals. CSCA would be the only appellate body in the University on individual student disciplinary matters, having jurisdiction over appeals from Student Court, from disciplinary action imposed directly by Deans and Administrators, and from CSCH. In saying that CSCA is the "only" appellate body, we do not mean to suggest that the Faculty and ultimately the Board of Regents are without appellate authority. We assume that each has the right, on petition by a student, to review his case and reverse or reduce any action taken against him by lower University authorities, but we also assume that each has the right to refuse in its discretion to consider such a petition (a right which CSCA does not have).

After extended discussion, we have decided to recommend that CSCA be an all-faculty committee. We recommend substantial student representation on CSCH (above) and on the Committee on Student Conduct Policy (hereafter discussed), but it is our view that CSCA can best function as a relatively

small committee made up only of teaching faculty. We think of appeal to CSCA as normally in lieu of any right to appeal to the whole Faculty. We recommend a committee of five teaching faculty members. The chairman shall be a law professor appointed by the Chancellor. The other four members shall be elected by the faculty, two each year for two-year terms, from among nominees provided by the Faculty Nominating Committee. At the first election of CSCA, four members shall be elected, with the two receiving the highest vot to serve for two years, and the other two for one year.

CSCA should have the power to regulate its own procedures, subject to the following rules and guidelines: Only a student may appeal from decisions by Student Court or by a dean, but either the student or the administration may appeal from a decision of CSCH. No appeal will be effective unless filed with CSCA in writing within 30 days after the parties are notified of the decision from which appeal is taken; for this purpose, the period between June 1 and September 15 will not count. Pending appeal, any penalty imposed by the authority appealed from will be in force, except the CSCA may in its discretion stay the imposition or enforcement of such penalty upon petition by the student.

Like CSCH, CSCA should assure due process for the student by giving him adequate notice, a reasonable hour for hearing his case in the light of his schedule, an opportunity to be represented by legal counsel of his choice at his own expense, and a prompt, fair and orderly hearing. If CSCA has given a student reasonable notice and a reasonable time to prepare, it should have power to set the hearing for a reasonable date and time and to consider the appeal at the time set whether or not the student appears and whether or not the administration is represented.

CSCA should have discretion in its procedure particularly with regard to the amount of evidence it hears. Where the appeal is on a limited issue, the committee may of course limit evidence before it to that pertinent to the particular issue. In cases where a substantial (not necessarily verbatim) written record was made at the hearing below, the committee may hear arguments, study the record, and decline to receive additional evidence. In any case brought to it, CSCA should have authority to review the matter as completely as seems necessary, change the findings of fact, make its own judgment as to the seriousness of the conduct, and change or disapprove the penalty. However, it shall not increase a disciplinary penalty unless such increase was specifically requested in an appeal brought

from CSCH by the administration.

The *deliberations* of CSCA shall not be public, but any hearing before the committee to receive evidence or arguments shall be public unless the student requests otherwise or the committee determines that it is necessary that, to preserve order, the public be excluded. A quorum of the committee for hearing purposes shall be three, and three members must concur if an action appealed from is to be reversed or changed. The Chancellor shall have discretion during the year to appoint a member to replace, temporarily or permanently, any member who is unable or unwilling to serve, but shall not have authority to replace any member who is able and willing to serve.

* * *

Like the members of CSCH, the members of CSCA are to have judicial functions only. They may be confronted from time to time with contentions relating to the legality or constitutionality of their own procedures, or of University regulations, or of their own very existence. As essentially lay committees, they should not be obligated to decide such contentions. Rather, they should feel free to decide such contentions if they feel able to do so, which in some cases they may, but they should also feel free to assume the legal validity of University rules and procedures, leaving decision on the challenge to a court of law.

Members of CSCH and CSCA, having only judicial functions, should not be expected to consult with deans or administrators about problems of University discipline, either in connection with cases in process or in connection with more general policy problems. Yet these committees will develop certain expertise and, very likely, certain views on such matters. Both CSCH and CSCA should report annually to the Faculty and to WSA about their procedures, their case load, and their views and recommendations on disciplinary matters. They should also maintain informal liaison with the Committee on Student Conduct Policy. That is the committee which deans and administrators should consult, and to which we now turn.

6. *The Committee on Student Conduct Policy (CSCP)*

CSCP would take over the present policy-making and policy-stating functions of the Committee on Student Conduct and Appeals. These are functions which we think should be separated from all judicial functions; hence the recommendation of a separate committee.

We recommend that CSCP consist of six members of the full-time teaching faculty and three students, at least two of whom shall be undergraduates. The students shall be appointed by WSA. The six faculty members shall be of the rank of assistant professor or higher and shall be elected by the faculty, from a slate submitted half by the Faculty Nominating Committee and half by WSA. At the first election, the Nominating Committee and WSA shall each provide eight nominees. The sixteen nominees shall be placed on the ballot in alphabetical order, without indication of the nominating entity. Six shall be elected, with the three receiving the highest vote to serve for two years, and the next three for one year. At subsequent elections, WSA and the Nominating Committee shall similarly each provide five names for an alphabetically arranged slate of ten, with three to be elected for two-year terms. Elections shall be in May of each year, and if the WSA slate of nominees is not furnished to the Secretary of the Faculty before May 1 of any year, the election shall be from among those nominated by the Nominating Committee. If WSA does not appoint the student members, the faculty members shall constitute the entire committee, which shall have the same powers and responsibilities as if student members were serving.

The Chairman of CSCP shall be a faculty member designated by the Chancellor from among the elected faculty members.

We think of CSCP as the central agency for formulating and evaluating University policy in matters of student conduct and discipline, subject of course to the ultimate control of Regents and Faculty. Without meaning to restrict CSCP's powers or scope because of the following enumeration, we think it may be valuable to list some of the things such a committee might do:

1. It should be the primary agency for watching and evaluating how the recommendations on student discipline — substantive, structural, and procedural — presented in this report work out, if adopted.

2. It should be the committee to which recommendations for changes in

any aspect of student conduct policy — again, substantive, structural, or procedural — should be referred for consideration and report before action on such recommendations is taken by Faculty or Regents. This should apply whether the recommendations originate with the administration, WSA, CSCH, CSCA, or any other committee or source. Of course, CSCP would itself be expected to be a prime originator of such recommendations.

3. It should be a group which may be consulted by deans or administrators on student conduct problems, whether for advice on a particular case or for guidance in policy and planning.

4. In cases where it is thought that a formal policy statement of the University position on an existing or potential student conduct problem should be made, CSCP should ordinarily be consulted. Normally, it should be the responsibility of CSCP, rather than of an individual administrator or dean, to determine whether such a formal statement should be issued and if so, what its contents should be — consistent, of course, with general policies established by Regents and Faculty.

5. As we have previously suggested, CSCP should consider to what extent, if at all, it is desirable to prepare and promulgate a Student Conduct Code. If it is thought desirable, CSCP would be the agency (with appropriate staff assistance) to draft such a code for possible adoption by the Faculty and Regents. In considering such a code, CSCP should also evaluate existing disciplinary penalties available to the University, and consider whether other kinds of penalties, not now used or contemplated, may in some cases be appropriate.

6. CSCP should maintain informal liaison with CSCH and CSCA, so as to understand problems faced by those committees. However, it should not attempt to influence or advise CSCH or CSCA as to specific cases which are before, or may be before, either of those committees for decision. CSCH and CSCA, however, should of course perform their duties with due regard for policy declarations or interpretations previously adopted by CSCP.

* * *

We recommend adoption of the above described structures and procedures for student discipline on a trial basis for two to three years. We would expect the Committee on Student Conduct Policy, if created, to lead the University in an evaluation and reexamination, probably during the academic

year 1970-71. Even though our committee has tried to offer solutions which respond not to an immediate crisis of demand, but to the expected needs of future years, we recognize the need for periodic restudy.

The structures and procedures proposed are more cumbersome than some of us like. Fairness in fact is not necessarily dependent on elaborateness of procedure. Yet not just fairness in fact, but the genuineness of procedural safeguards and the appearance of fairness are important requirements, which we have tried to meet. Our proposals would also increase the participation of students in areas where important decisions, both general and particular, are made.

SECTION III. GUIDELINES AND RECOMMENDATIONS

PART 3. HOUSING REGULATIONS

The University now has three types of housing regulations. The first requires that certain undergraduates must live in "supervised" housing, i.e., housing which (1) meets certain standards of physical safety, nondiscrimination, and rental agreement, (2) rents only to students, (3) provides an opportunity and encouragement for student organization and participation within the housing unit, and (4) provides for a resident staff approved by the University. At present, supervised housing also implies some regulation of hours and visitation privileges.

The second type of regulation specifies that students not living in supervised housing must live in "certified" housing unless they live at considerable distance from the campus. Certified housing meets minimum standards of physical and safety facilities and nondiscrimination.

The third type of regulation is that "single students (graduate or undergraduate) may not reside in housing (excluding apartment buildings) accomodating unmarried persons of the opposite sex (students or nonstudents) other than members of the resident family".

These three types of regulations originate in the Living Conditions and Hygiene subcommittee of the Student Life and Interests Committee. They are next passed upon by the full Student Life and Interest Committee and then by the Faculty.

1. Who Must Live in Supervised Housing?

Single freshman men and single freshman and sophomore women under 21 years of age are required to live in supervised housing unless they work for room and board where they live or reside with parents, guardians, or relatives. With the consent of parent or guardian, single sophomore and junior men and single junior women are not required to live in supervised housing. Seniors and graduates, students who are 21 years of age or older, and married students do not require parental consent to live in nonsupervised housing.

In the fall semester of 1967, 41 percent of all undergraduate men and 58 percent of all undergraduate women lived in supervised housing. About

three-fourths of freshman men and freshman and sophomore women live in supervised housing. See Table I.

Table I

Percentage of students living in supervised housing, by class and sex, for the Fall of 1967.

Class	Men	Women
Freshmen	74	82
Sophomore	44	74
Junior	29	43
Senior	16	22
All undergraduates	41	58
Graduate	7	15
Professional	11	8
Special	21	19
TOTAL	28	49

The general trend in recent years has been to allow students greater freedom of choice with regard to housing. The Committee believes that a continuation of this trend is consistent with development of student initiative, independence, and responsibility, surely important goals of the university experience. The Student Power Bill states that "The University shall not interfere with the selection of the student's housing". Nonetheless, we also recognize the legitimate interest of parents of our younger undergraduates in having their sons and daughters encounter the temptations and distractions of college in a gradual way.

The Committee believes that the wishes of students, our mutual educational purposes, and the interests of parents can be harmonized by a wider use of parental consent. The view of the Committee is that students who are juniors, or who are 20 years of age, or are married should be regarded as adult with respect to their choice of housing. We believe further that the proper persons to decide about housing for younger, unmarried students is the parent. Younger students who have parental consent should have the same freedom to select housing as other Madison residents of the same age.

We have received from several persons the suggestion that parental consent to live in nonsupervised housing should be assumed by the University

in the absence of a specific written statement to the contrary. After considerable discussion the Committee has decided not to recommend this. The principal reason is our belief that some way is needed to know that the parent actually considers the question before the student is permitted to live in nonsupervised housing. Requiring specific written parental authorization assures this.

We therefore recommend that all freshmen and sophomores be required to live in supervised housing unless (1) they are at least 20 years of age, (2) they are married, or (3) they have the written consent of their parent or guardian to live elsewhere. As at present, the requirement does not apply to students who work for room and board where they live, or who reside with parents, guardians, or relatives.

Of course, any student regardless of age or class standing may choose to live in supervised housing. We consider it important for the University to sponsor and to encourage a variety of supervised housing environments. In particular, we believe that the University should continue its efforts to enrich University residence halls living with extra-curricular and co-curricular activities. Faculty members can make important contributions by cooperating in the programs of the supervised living units.

2. *The Requirement for Living in Certified Housing*

The recently revised housing regulations require that students who are not required to live in supervised housing must nonetheless, if they choose to live in a specified area near the campus, live in certified housing. As stated before, certified housing must satisfy University and city physical and safety standards and must be nondiscriminatory. Likewise, even beyond the near-campus zone, students may be required to move from housing that fails to meet the same general standards. In the Committee's view, these requirements were designed, not to impose paternalism on students, but to support student desire to get more satisfactory private housing conditions and to upgrade the quality of housing in the near-campus area. We recognize that there is some conflict between the principle of complete freedom of choice by students and the desire to establish minimum standards for housing. We believe that the University should be cautious in withdrawing from concern for the latter.

We are inclined to question the wisdom of the student view that there

be no University influence over physical and safety standards and we urge Student Senate to reconsider this question. We therefore recommend that present regulations on certified housing remain in force unless Student Senate passes a new request that the University no longer forbid students to live in housing not meeting the standards required for certification. If such a request is passed, we recommend that the present rules to this effect [Student Handbook, 1967-69, page 48, par. 5 (1) and (2)] should be deemed repealed. This would of course also apply to housing beyond the certification zone. It would necessarily follow that no student government or organization would have any authority to require a student to move from any housing deemed undesirable by such student government or organization. This repeal would not, of course, affect the University's authority to require freshmen and sophomores under 20 years of age to live in supervised housing unless they have parental consent to live elsewhere.

We further recommend that even if student government action does result in repeal of the requirement that students in the near-campus zone must live in certified housing, the certification and inspection program continue, and only certified housing within that zone be entitled to listing in the University Housing Office.

3. Who Should Initiate Changes in Housing Regulations?

There are now several University committees that are concerned with housing. They are: the Living Conditions and Hygiene Subcommittee and its parent, the Student Life and Interest Committee; three committees that concern themselves with residence halls, namely, the Residence Halls Advisory Committee, the Scholarship Cooperative Halls Committee, and the Committee on Housing for Graduate and Professional Students; and the Advisory Council on Student Housing.

Closely interlocked with the question of who must live in supervised housing is the issue of what hours and what visitation practices must be observed in supervised housing. At present, rules on such matters are initiated by the Fraternal Societies and Social Life Subcommittee of SLIC.

We recommend that a new *Madison Campus Student Housing Committee* be established to do the work of the Subcommittee on Living Conditions and Hygiene and the work of the Subcommittee on Fraternal Societies and Social Life insofar as the latter is concerned with hours and visitations. We

urge that this committee should be made up of students, one of whom should be the president of AWS, and faculty, and that appropriate administrators serve as advisors or consultants to the committee.

4. *Regulation of Hours and Visitation*

The Student Power Report says the following in its section on Local Autonomy (p. 8):

> WSA will delegate in its Constitution the power to decide upon visitation policies to the smallest feasible living unit. In most cases, a living unit will be defined as a house which has separate access . . .
>
> The concept of separate hours for men and women violates a basic concept that there should be no discrimination by race, religion or sex. No more than we would impose separate hours on Negroes or Catholics should we impose them on women. Even if a majority of women were to want hours, what right have they to impose them upon those who do not?
>
> We feel that hours are a matter of individual liberty and cannot be delegated or legislated upon even by a student organization.

The Committee is sympathetic with the continuing trend, at Wisconsin and elsewhere, toward liberalization of rules regarding hours and visitation.

(a) *Nonsupervised housing.* We understand that the University now exercises no power over hours and visitations of students who live in nonsupervised housing. We agree with this practice. Our general principle is that students living in other than supervised housing come under civil authority and are responsible to the laws of the community rather than to University-enforced rules. This is consistent with our principle of nonduplication of civil law by the University and of withdrawal from the role of *in loco parentis*. For example, under this principle, the rule that single students may not live in housing accomodating unmarried persons of the opposite sex should be discarded. Our view is that students who are age 20, juniors, married, or have parental consent should be treated as adults in regards to their hours and other aspects of their personal lives.

(b) *Supervised housing.* We have carefully considered the Student Power Report and have heard numerous student views on the question of hours and visitation in supervised housing. We have also heard the views of faculty, administration, and persons outside the University. Originally, AWS argued for the retention of hours regulation, but later changed its mind and now supports the Student Power Report in this respect.

We note that at present sophomore and junior women have the option of unlimited hours provided that they have parental consent. This year 76 percent have exercised this option. The Committee believes that what a student chooses to do with his time is much more important than how he schedules it. We see no educational necessity in hours regulation and concur with the Student Senate view.

We therefore recommend that the University impose no general restriction on student hours in supervised housing.

As regards visitation regulations we are again sympathetic with the Student Senate position — that the regulations ordinarily should be formulated by students in the smallest feasible living unit. However, the physical nature of dormitories and other living units is often such as to raise difficult questions for visitation. We believe there is need in supervised housing for some general standards and guidelines.

We therefore recommend that student residents of each living unit should be able to recommend rules concerning visitation for that living unit for consideration by the new housing committee proposed above.

SECTION III. GUIDELINES AND RECOMMENDATIONS

PART 4. STUDENT INITIATIVE POWER IN UNIVERSITY GOVERNMENT

The Committee favors an increasing student participation in policy discussion and decisions. This can take place at all levels, department, college, or University.

We are aware that there are already ways in which student proposals can receive consideration at a faculty meeting. Perhaps the simplest is for the students to find a faculty member to present a resolution or legislative proposal on behalf of the student group. If the situation is urgent, students can take advantage of the rule that any ten faculty members may call a faculty meeting. Although such means exist, we are nevertheless in sympathy with student requests that there be a regularized procedure by which proposals may be assured of receiving Faculty attention.

We therefore recommend that Student Senate have the power to propose recommendations, resolutions, or legislation that are appropriate to the purposes of the University for Faculty consideration and to which the Faculty is obligated to respond.

Such proposals will be received by the University Committee (or its designee). The University Committee then has the responsibility either (a) to place the proposal on the faculty meeting agenda at the earliest feasible date, or (b) assign the proposal to a committee or to a college faculty.

If alternative (a) is chosen, the University Committee may bring the proposal to the faculty with or without a recommendation. It may recommend approval, disapproval on the grounds that the proposal lacks merit, or disapproval on the grounds that the proposal is not a proper one for faculty action; or it may make any other recommendation that it thinks appropriate. However, the proposal must be brought to the faculty and acted on promptly.

If alternative (b) is chosen, the committee selected may be a standing committee or an ad hoc committee appointed for this purpose. The committee may make suggestions and there may be discussions between the committee and those interested in the proposal. The committee may return the bill to Senate for clarification or reconsideration. However, it may do so only once. If it is resubmitted by Senate, the committee is then obligated to bring it

to the faculty. The committee may make whatever recommendations it wishes to the faculty. Whatever the procedure, the committee must carry out its study and report to the faculty promptly.

Whenever the Faculty or a committee is considering a Student Senate proposal, representatives of Senate and other interested students should have the right to appear on the proposal.

We recognize that the proposed power of student initiative at the campus-wide level, through Student Senate, would for the first time officially require the Faculty to respond to student proposals. We think that such an assumption of Faculty response has been an unofficial but very real part of student-faculty relationships on this campus for many years. Nonetheless, our recommendation for a formalized procedure for student initiative would impose serious responsibilities. The Faculty should be prepared to give open-minded and thoughtful consideration to proposals growing out of this procedure. Student government should recognize the importance of using the procedure for appropriate and significant matters only, and the necessity of presenting only well-considered and carefully drafted proposals. The University Committee, as the agency for initial receipt of proposals, should evaluate the new procedure and be prepared to recommend improvements or changes after a two or three year experimental period.

University policy is to a large extent the resultant of a series of forces generated by numerous decisions in smaller units. We believe, therefore, that responsible student initiative power is just as important at the levels of the schools and colleges and in the departments as it is for the entire campus. It is more difficult to be specific because of the diversity of customs in various parts of the University.

We recommend that the colleges and schools be ready to receive and consider relevant student proposals. Such proposals could come from student organizations or from concerned individuals. If there is an organization that is representative of the students in a college or school, this could be the normal channel for such proposals.

Perhaps even more important, because so many more students could be involved, is participation of students in the individual departments. We encourage the formation within departments of organizations of undergraduate majors and of graduate students. Among the purposes of such organizations would be the presentation of proposals to the departmental faculty and the

discussion of those issues that are of mutual concern to students and faculty. There should be a departmental response (not necessarily of acquiescence) to such proposals, and student advice should be a factor in the personnel, curriculum, and budgetary policies of the department.

SECTION IV. GUIDELINES AND RECOMMENDATIONS

PART 5. STUDENT PARTICIPATION IN UNIVERSITY COMMITTEES

The University of Wisconsin has a long tradition of student participation in the activities of the University's committees. We view the committee structure as an opportunity to develop a partnership among the faculty, the students and the administration in which each will contribute an experience and point of view which are essential if the University is to best achieve its purposes. We are agreed that this tradition should not only be supported, but that it should be broadened to give students a greater voice in the establishment of University policy.

As a glance at Chapter 5 of the University Code reveals, the present committee system of the University of Wisconsin is one of wondrous complexity and diversity. We shrink from an examination of each individual committee and a recommendation as to what the student-faculty ratio should be, how the members should be selected or who should be responsible for their selection. Rather, we suggest guidelines which should help to assure that these decisions are made wisely.

To illustrate the guidelines we suggest for a number of committees the student representation which seems proper to us. However, we shall finally recommend that each committee consider its own structure and function and recommend, with these guidelines in mind, an appropriate student representation.

In what follows we shall, in fact, refer not only to the standing committees of Chapter 5 but to all committees, whatever their source and whatever their tenure. The values of student representation are related to the purposes of a committee, not to its pedigree. Those appointing ad hoc committees should also consider what student membership is desirable.

We shall speak of student representations ranging from approximately 50%, to substantial, to nominal (one student), to, in some cases, zero. "Approximately 50%" could mean exactly 50% unless a requirement for frequent and definitive committee action demands an odd number of members. It could mean a less than 50% student representation or it could mean more. We believe, however, that most committees with a majority student membership should be creations of, and responsible to, student government rather than the faculty or administration. We propose, modestly, that some of these committees might benefit from the particular experience and point of view of a faculty minority.

Finally, we emphasize that when we discuss committee membership, whether student or otherwise, we speak of voting membership.

1. Criteria for Committee Membership

The desirable membership of a committee is that which will contribute most to the total well-being and effectiveness of the University. Unfortunately, so general a statement does little more than restate the problem.

An obviously central consideration is the business of the committee. Is it closer to the extreme of solely student concern or to solely faculty or administration concern? What demands are made in the special training and experience of committee members? For example, a curriculum committee is concerned with matters of great concern to students. Curricula are for students. But approximately 50% student representation on such a committee is not justified if one admits that the arrangement of a curriculum requires a scholarly knowledge of the subject matter.

Are the reports and recommendations of a committee approved or rejected in the form in which they appear or are they inputs to the leisurely and detailed considerations of some higher body? In the former case there is a premium on expertise. In the latter case the premium is on a broad representation of different points of view. To what extent does the business of a committee require a familiarity with the structure and operation of the University? What is the demand on continuity of membership?

While some of the above questions imply the necessity of a student minority on many committees this minority may well be substantial. The values of student faculty discourse in small groups on real questions must be given great weight.

2. Some Suggestions for Committee Membership

(a) We believe that student membership on the following committees should be approximately 50%. The list is meant to be illustrative rather than complete. The Human Rights Committee, The Religious Activities Committee, The Recreation Committee, The Student-Faculty Conference Committees associated with the University Committee and with the four Divisional Executive Committees (already 50%).

(b) In the category of substantial student membership we would place, for instance, the Library Committee, the Admissions Policy Committee,

The Student Financial Aid Committee, The Parking and Transportation Board, The Campus Planning Committee, The Auditoriums Committee, The University Lectures Committee, The City-University Coordinating Committee, The Safety Committee, The Registration and Records Committee, The College and Departmental Curriculum Committees, The Biological Sciences Core Committee.

(c) As examples of nominal student representation we suggest the Naming University Buildings Committee, The Archives Committee and the Honorary Degrees Committee (Student Senate Bill 15-SS-24 suggests the Senior Class President for this post).

(d) There are several committees on which, in our opinion, student representation would be inappropriate. These include committees dealing almost exclusively with research and scholarly activities of individual faculty members and faculty tenure and promotion on an individual basis. In this category, for instance, are the four Divisional Executive Committees and The Research Committee of the Graduate School.

The elected University Committee falls in another category. It is essentially the Executive Committee of the Faculty. Its operations would not benefit from student membership. We feel that an equally strong argument can be made against faculty membership on the Student Senate.

We do not, in these paragraphs, imply that there is no place for student evaluation of the teaching performance of departments and individual staff members. We feel that this is best done at the departmental level. The problem will be discussed on later pages.

(e) In other sections of this report a number of committees, including proposed new committees, are discussed at length. The degree of student participation suggested in those sections is separately justified and should be considered as taking precedence over the remarks of this section.

We are hesitant to recommend specific committee changes without consulting the committees themselves. Therefore we recommend as a means of implementation that, at the earliest opportunity following the adoption of this report, each committee of the University review its structure and responsibilities in the light of these recommendations and suggest an appropriate student membership to the University Committee, which shall recommend those changes of which it approves.

3. *Selection of Students for Committee Membership*

The duly elected student government body should play the major role in appointing students to the committees of the University. Furthermore, we agree with Student Senate that the practice of drawing up a slate of students from which the Chancellor or some other representative of the faculty or administration selects the actual appointees should be abandoned. In order to assure that student representation on University Committees is genuine, the students should have direct power to select their representatives on committees.

The continued success of student participation in the work of University committees will depend upon the success of Student Government in finding interested, well qualified, and representative candidates. It is not an easy task. Some appointments should perhaps be delegated to subdivisions of Student Government or to other student organizations, some might be ex-officio, conceivably some should be directly elected by the entire student body. Failure of the Student Government to act in a representative fashion may make student participation on most of the University committees unproductive.

4. *Student-Faculty Cooperation at the Department Level*

The organizational unit of the University is the Department. Almost all that is good or evil, academically at least, can be attributed to Departments. They control the curriculum of the major, they initiate the choice and promotion of individual faculty members, they provide the intellectual environment which makes possible the educational process.

Clearly it is at the departmental level that student-faculty interaction can have the most immediate and telling influence. It is also clear that a useful and continuing student-faculty exchange at the department level is not easy to achieve. Departments differ enormously in size, in their teaching responsibilities, their use of teaching assistants and their relative emphasis of undergraduate and graduate training. Thus, methods will vary, but we believe all departments (in some cases, perhaps, the proper unit is the professional school or college) should seek the following ends.

They should solicit in some organized and continuing fashion the advice of their students on curriculum and teaching effectiveness. This

should be done at both the undergraduate and graduate level. Students should be aware that the chairman or a representative is available at any time and at least once a year (or better, once a semester of oftener) a larger student-faculty discussion should be held with a prepared agenda.

Because of our conviction that some of the most important opportunities for student-faculty cooperation are at the departmental level, we make the following recommendation: Following the adoption of this report the Student-Faculty Conference Committee of the University Committee, with the assistance of the Divisional Conference Committees, shall canvas the departments of the Madison campus and study the steps being taken to improve student-faculty cooperation at the departmental level. A report on, and evaluation of these steps shall be made available to students and faculty.

5. *Divisional Student-Faculty Conference Committees*

Faculty document 20, May 3, 1965, setting up Divisional Student-Faculty Conference Committees, calls for a Faculty review after two years. We believe that these committees can be an important step in the direction of greater student-faculty cooperation. Although we have not made a study of their operation, we believe these committees should continue during the next few years during the time (if our recommendations are adopted) that other committees will have increased student membership. Therefore we further recommend that the Divisional Student-Faculty Conference Committees be retained in their present form and that these be reviewed along with other committees with student members by the Madison faculty after two or three years. This should also include a review of the way in which student members are selected.

SECTION III. GUIDELINES AND RECOMMENDATIONS

PART 6. STRUCTURE OF COMMITTEES ON STUDENT ORGANIZATIONS

The present Committee on Student Life and Interests is charged by the Faculty with establishing policy in the area of student activities and housing. The Committee includes in its membership five faculty members, who also serve as chairmen of the five subcommittees (Forensics, Dramatics, and Music; Fraternal Societies and Social Life; General Student Organizations and Politics; Living Conditions and Hygiene; and Publications), three members of the Division of Student Affairs, and six students (the presidents of the Wisconsin Student Association, the Associated Women Students, and The Wisconsin Union, and three students nominated by the Senate of WSA, one of whom must be a graduate student.

The committee has been engaged in a broad range of activities: for example, through the year 1966-67 it was concerned with housing policies, regulations concerning picketing on campus and the distribution of literature, as well as the coordination of programming by campus organizations.

It should be noted that while SLIC's jurisdiction is broad, it does not cover all aspects of all student activities. For example, the Wisconsin Union has its own student-faculty-alumni governing board (Union Council) and is independently chartered. The *Daily Cardinal*, similarly, is governed by a separate board under its own charter. Athletics, student health services, University residence halls, and lectures and convocations are examples of matters which lie outside the jurisdiction of SLIC. Moreover, conduct of individual students and discriminatory policy by campus organizations are subject to committees of the faculty which are independent of SLIC. Hence, the title, Student Life and Interests Committee, is misleadingly broad.

It seems to us desirable to structure committees to deal separately with narrowly specified problems and to rely upon the University Committee and the faculty to coordinate the recommendations of the several committees. Moreover, we would like to give impetus to an apparent trend of certain faculty committees to withdraw from detailed regulation of student affairs. For these reasons, then, we propose that changes be made in the structure of committees and in the relationship among certain faculty committees and student organizations.

1. A New Committee on Student Organizations

We propose the following: (1) The dissolution of SLIC. (2) Transfer of SLIC's functions in regard to student housing, visitation, and other associated matters to the proposed Committee on Student Housing, which is discussed earlier in this report. (3) A new primary responsibility for student government in regard to the structure and activities of student organizations. (4) The formation of a new committee with more limited jurisdiction than SLIC, to be known as the Committee on Student Organizations. The jurisdiction of this new committee would be more limited in two ways: first, as to the *subject areas* in which it would have authority to act; and second, in the *scope and manner* in which its review powers would be exercised.

As to the *subject area* jurisdiction of the proposed Committee on Student Organizations, we suggest that some of the present SLIC subcommittee areas be included, such as forensics, dramatics, and music; fraternal societies and social life (but not including hours or visitation); general student organizations and politics; and publications. In these areas, the CSO would exercise certain powers (shortly to be described) with regard to such things as the structure and behavior of nonchartered student organizations (chartered organizations include the Union and the Cardinal, nonchartered include student political parties and academic interest associations); social regulations to be observed by student organizations (such as rules for parties at fraternities); rules to assure financial responsibility by recognized student organizations; and programming by recognized student and other campus organizations to assure fair and efficient use of theater and auditorium space.

Under our proposal student government will have primary responsibility for rule-making and enforcement in these areas. In general, its legislation will be the chief source of such regulation as will exist concerning student organizations' structure and activities, and will be binding upon those groups when enacted. We understand the trend of such legislation to be in the direction of greater autonomy for student organizations. For example, it appears to be contemplated that eligibility of students for organizational office be delegated to individual organizations; that it is proposed that there be no general regulations of off-campus events; and that organizations be accorded wide latitude to sponsor events of diverse character. We note that certain social regulations are now enforced by the Inter-Fraternity

Council, the Pan-Hellenic Association, and the dormitory associations. These federations have certain sanctions over their member organizations. These developments seem to us to be desirable, and we also endorse the concept of a "Bill of Rights" for organizations which includes rights of appeal to student court and ultimately (for certain limited claims) to the faculty.

The exercise of student government's responsibilities in these areas will ultimately rest on the prospect or actuality of sanctions which may be imposed on noncooperating student organizations. The principal sanction is denial or withdrawal of university recognition or registration. Only registered student organizations may use the name of the university in their titles, use university buildings or other facilities, and rely upon the Student Activities Reserve Fund for certain financial guarantees. A lesser sanction than complete withdrawal of recognition is the temporary suspension of certain privileges (e.g., prohibiting a fraternity from sponsoring any parties for a semester). On occasion, an organization has been denied access to university facilities to carry on an activity which is thought to be inappropriate to the organization's purpose. A sore point has been fund-raising activities.

In addition to the rules of student government, there are also rules of the Faculty or Regents which student organizations may conceivably violate on occasion. For that matter, administration-made procedural or implementing requirements may also be violated. The problem of how these sanctions are to be imposed is thus a complex one potentially involving many parties, not just student government; this brings us to a consideration of the *scope and manner* of the review powers of CSO in the subject areas in which it has authority.

We see the powers of CSO as essentially "constitutional" review, in the sense that it should ascertain only whether the power to make the rule in question in any case resided with the body which enacted it — and not whether the body acted wisely or in the same way that the Committee would have done. This line is not always easy to draw, but we shall try to indicate our intent under different hypothetical circumstances.

In cases where student government has enacted a rule, or imposed a sanction, which an organization considers to be outside the scope of WSA powers or contrary to the organization "Bill of Rights", its first appeal

is to the student court. The administration should have the same right. Any party aggrieved at the student court decision should have the subsequent right to petition CSO for a review, which would be limited to the question of whether WSA had the power to undertake the action. Cases of apparent conflict between WSA and faculty or Regent policies would come under these provisions.

Where the alleged violation is of a faculty, Regent, or administrative regulation, the administration shall notify student government that such violation may have occurred. Student government may then in its discretion investigate and decide whether the violation did occur, and if so, what if any sanctions should be imposed. If the student government investigation is expeditiously undertaken, the administration should normally defer further action until a decision is made. If the decision is a finding that the violation did not occur, or that sanctions should not be imposed, or if student government does not undertake an investigation, the administration shall have authority to impose sanctions in its discretion if it feels that violation did in fact occur and should be penalized. In any case, the affected organization shall have the right to invoke review by CSO, which shall have power to hold a full hearing and determine the facts as well as to resolve any question of power among the parties.

CSO should also have power to conduct studies of the workings of this arrangement or any related questions, and to make recommendations to the faculty for action if deemed necessary. It should not have power to enact new regulations without faculty approval. It should be available for consultation with the administration in regard to changes in administrative practices, and for liaison between student government and the faculty, if and when asked. Cooperation on an ad hoc basis will probably be necessary, particularly in the early stages, and we envision the need for considerable consultation. With regard to coordinated programming, for example, the "sanction" involves permission to use University of Wisconsin Union space and facilities. In general, this is a matter which can only be handled by cooperation of the users and suppliers of such facilities and is not often amenable to general legislation. It is essentially, then, a matter for specific administration rather than broad policy-making. To the extent that policy-making is required, we see recommendations issuing from the Committee on Student Organizations, after consultation with interested parties, and addressed to the faculty.

2. *The Membership of the Committee on Student Organizations*

Although CSO will be acting chiefly as a power-allocating committee on behalf of the faculty, and hearing appeals from the actions of student government, we think it desirable that students representing a variety of points of view serve on the committee. We propose that the committee be composed of four members of the teaching faculty (one of whom shall be chairman) and one nonvoting member from the Dean of Students staff, all to be designated by the Chancellor; plus, as voting members, the President of WSA, the President of the Wisconsin Union, and the President of the Senior class (or their designated alternates). Appropriate members of the administration or representatives of other organizations may be invited to consult with the committee as desired. If WSA chooses not to participate, or if the student members of CSO refuse to serve, the faculty members shall continue to serve as an appellate body overseeing activities having to do with student organizations.

SECTION IV. SUMMARY OF RECOMMENDATIONS

We summarize in this section the principal specific recommendations in our report. The Report is made to the University Committee without specific recommendations as to its implementation. Parts of the Report are quite specific and the University Committee, if it approves, may wish to endorse them for immediate faculty approval. Other parts are less specific and less complete; these might perhaps be assigned to a committee with competence in the area for comment and implementing procedures. Since some of our recommendations affect many persons and groups, the University Committee may wish to hold hearings or invite comments from persons who would be affected by the recommendations.

We recommend:

A. Policies and Rules

1. In general agreement with the Remington Report (Faculty Document 57, April, 1966) that University discipline should be imposed only for intentional conduct which (1) seriously damages or destroys University property, (2) indicates a serious continuing danger to the personal safety of other members of the University community, or (3) clearly and seriously obstructs or impairs a significant University function or process. Individual behavior that does not come under these restrictions is not a matter for University discipline. (Pages 11-17)

2. That all freshmen and sophomores be required to live in supervised housing unless (1) they are at least 20 years of age, (2) they are married, or (3) they have the written consent of their parent or guardian to live elsewhere. (Page 35)

3. That the existing requirement that students must live in supervised or certified housing if they live in the near-campus area be retained unless Student Senate passes a new request that this no longer be required. (Pages 35-36)

4. That the University exercise no disciplinary authority over hours and visitations in nonsupervised housing. (Page 37)

5. That the University impose no general restriction on student hours in supervised housing. (Pages 37-38)

6. That student residents of each living unit be permitted to recommend rules concerning visitation for that living unit for consideration of the Madison Campus Housing Committee. (Page 38)

7. That Student Senate have the power to propose recommendations, resolutions, or legislation for Faculty consideration and to which the Faculty is obligated to respond. (Pages 39-41)

8. That, following the adoption of this Report the Student-Faculty Conference Committee of the University Committee, with the assistance of the Divisional Conference Committees, shall canvas the departments of the Madison Campus and study the steps being taken to improve student-faculty cooperation at the departmental level. A report on, and an evaluation of, these steps shall be made available to students and faculty members. (Page 46)

B. Structure

9. That the student voting membership on University committees be substantially increased and that the student members be named by student government. (Pages 42-44)

10. That at the earliest opportunity following the adoption of this Report each committee of the University shall review its structure and responsibilities in the light of these recommendations and suggest an appropriate student membership to the University Committee which shall recommend those changes of which it approves to the Faculty. (Page 44)

11. That the Student Life and Interest Committee be abolished. (Page 48)

12. That a *Committee on Student Organizations* be created consisting of four faculty and three students, and with more limited jurisdiction than SLIC. (Pages 48-50)

13. That a *Madison Campus Student Housing Committee,* consisting of students and faculty, be established. (Page 36-37)

14. That there be established a *Committee for Student Conduct Hearings* to replace the present Administrative Division of the Committee on Student Conduct and Appeals. The membership is four faculty and four students, plus a chairman from the Law Faculty who votes only in case of a tie. This committee shall have the power to suspend or expel a student for disciplinary reasons under the principles of Recommendation 1. (Pages 25-27)

15. That there be a *Committee for Student Conduct Appeals* to hear appeals from the Committee for Student Conduct Hearings. Its membership is five faculty members. (Pages 27-29)

16. That there be a *Committee on Student Conduct Policy* to take over the policy-making and policy-stating functions of the present Committee on Student Conduct and Appeals. Its membership is six faculty and three students. (Pages 30-31)

C. Continuation

17. That the present Committee be discharged and that further study be assigned to an ad hoc committee composed of students and faculty, the faculty members to be appointed by the University Committee and the students by Student Senate. (Page 3)